

Sec. 2. Constitutionality. If any particular section or part of this Act shall be held unconstitutional or inoperative for any reason, it shall not affect any other section or part of the Act, and the remainder of the Act, save the part or section declared unconstitutional or inoperative, shall continue in full force and effect.

Sec. 3. Emergency. The fact that more adequate protection of the public health is needed, and the importance of this legislation, creates an emergency and a public necessity requiring that the Constitutional Rule, providing that bills shall be read on three several days in each House, shall be suspended, and this Act shall take effect from and after its passage; and it is so enacted.

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 12, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt:

S. B. No. 496, A bill to be entitled "An Act authorizing incorporated cities and towns in this State to levy and collect from every male person between the ages of twenty-one and sixty years residing in said city or town a street tax; fixing the maximum amount of said tax; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham:

S. B. No. 497, A bill to be entitled "An Act amending Article 1723 of the Revised Statutes of 1925, providing for the appointment by the Supreme Court of stenographers for that court, and fixing their salaries; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Woodward, Greer and Thomason.

S. B. No. 498, A bill to be entitled "An Act approving, ratifying and confirming a contract of date January 1, 1929, by and between the Board of Managers of the Texas State Railroad and Texas and New Orleans Railroad Co., approved by the Governor of Texas and for the maintenance and operation of the properties of said Texas State Railroad by said Texas and New Orleans Railroad Company, providing that this Act shall be cumulative of Chapter Twenty-six of the General Laws of the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, and that said contract shall, upon the same becoming effective, supersede the contract between the same parties which was confirmed and ratified by Chapter Three of General Laws of the Second Called Session of the Thirty-seventh Legislature, approved August 25, 1921, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 499, A bill to be entitled "An Act validating the appointment of guardians when citation was posted as provided in Article 4064 of

the Vernon's Sayles' Texas Civil Statutes of 1914 or as provided in Article 4115 of the Revised Civil Statutes of 1925, and where such citation was not published as provided in Chapter 179, Acts Regular Session of the Thirty-fifth Legislature, being Article 28 of the Revised Civil Statutes of 1925; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 500, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas as passed by the Regular Session of the Thirty-ninth Legislature as amended by Chapter 107 of the General Laws of the State of Texas, passed by the First Called Session of the Fortieth Legislature in so far as such chapters apply to counties having a population of not less than 10,000, nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such Acts in counties having a population as above stated, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parrish:

S. B. No. 501, A bill to be entitled "An Act to amend Article 7005 of the 1925 Revised Civil Statutes of the State of Texas so as to include among the counties named in said Article, Garza County; and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Williamson:

S. B. No. 502, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes, of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional com-

pensation for the county auditors in such counties where there is a joint city and county hospital, and where a special audit for such hospital must be kept and report made to the city and county, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Greer, Thomason and Witt:

S. B. No. 503, A bill to be entitled "An Act making an appropriation of \$28,911.47 or so much thereof as may be necessary payable out of the General Revenue not otherwise appropriated and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1929, and to be deposited in the State Treasury; said appropriations being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1931; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wirtz, et al:

S. B. No. 504, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas, as amended at the First Called Session of the Fortieth Legislature, Chapter 67 of the Acts of the First called session of the said Fortieth Legislature, so as to provide that political parties shall have power to prescribe qualifications of its own members and determine who shall be qualified to vote or otherwise participate in such political party, either as a voter or a candidate; and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Love:

S. B. No. 505, A bill to be entitled "An Act to amend Article 4799, Title 78, Chapter 6 of the Revised Statutes of 1925, by increasing the burial fund from One Hundred Dollars to Five Hundred Dollars, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Thomason:

S. B. No. 506, A bill to be entitled "An Act making it unlawful for any student attending any State educational institution in this State to belong to or be a member of any Greek letter fraternity, sorority or club, or take part in the organization or formation of any such fraternity, sorority or club; defining the term "Greek letter fraternity, sorority or club" as used herein; making certain exemptions; prescribing a penalty and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senate Bill No. 493.

Senator Parrish received unanimous consent to take up out of its regular order the following bill:

S. B. No. 493, A bill to be entitled "An Act amending 'An Act creating the One Hundred and Tenth Judicial District of Texas to be composed of the counties of Briscoe, Floyd, Motley, and Dickens,' which Act was passed at this Session of the Legislature, same being S. B. No. 85, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 493 was put on its second reading by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Miller.	Neal.
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The bill was read second time and passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 493 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Miller.	Neal.
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The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Miller.	Neal.
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Senate Bill No. 88.

The Chair laid before the Senate, as pending business the following bill:

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas so as to make it unlawful for any person to place, set, use or drag

any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trot line, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou, or other body of such water; providing for use of spear, gig or light for taking flounders in such waters, except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties and declaring an emergency."

The question recurred upon the substitute for the bill by Senator Parr.

Senator Hyer moved that further consideration of the substitute and the bill be indefinitely postponed. The motion was lost by the following vote:

Yeas—10.

DeBerry.	McFarlane.
Greer.	Parr.
Hornsby.	Small.
Hyer.	Stevenson.
Martin.	Woodul.

Nays—17.

Beck.	Pollard.
Berkeley.	Russek.
Cousins.	Thomason.
Gainer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Love.	Witt.
Miller.	Woodward.
Moore.	

Present—Not Voting.

Patton.

Absent.

Cunningham. Parrish.

Absent—Excused.

Neal.

The substitute for the bill was lost by the following vote:

Yeas—13.

Cousins.	Parr.
DeBerry.	Russek.
Greer.	Small.
Hyer.	Stevenson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	

Nays—14.

Beck.	Moore.
Berkeley.	Parrish.
Gainer.	Pollard.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Miller.	Woodward.

Absent—Excused.

Neal.

Absent.

Cunningham. Witt.

Patton.

(Pairs Recorded.)

Senator Witt (present), who would vote yea with Senator Neal (absent), who would vote nay.

Senator Stevenson sent up the following amendment:

Amend S. B. No. 88 by striking out all after the enacting clause and substituting the following:

"Section 1. That Article 941 of the Penal Code of the State of Texas be, and the same is hereby amended so as to hereafter read as follows:

'Article 941. It shall be unlawful for any person at any time to place, to set, or drag any seine or net or use any other device or method for taking fish and shrimp, other than the ordinary pole and line or cast net, or minnow seine of not more than twenty feet in length for catching bait within the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingle-side Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between Harbor Island and Mud Island, Copano Bay, Mission Bay in Refugio County, Puerto Bay, St. Charles Bay, Hynes Bay, Contec Lake, Powderhorn Lake, Oyster Lake, Galveston Bay, Turtle Bay, West Bay, East Bay, Bastrop Bay, Offats Bayou, Oyster Bay, Tres Palacios Bay and all other bays and inlets embraced within the limits of the counties of Chambers, Galveston, Brazoria and Matagorda, Sabine Pass, leading from Sabine Lake to the Gulf of Mexico, San Luis Pass, leading from Galveston West Bay to the Gulf of Mexico, Turtle Bay, Lost Lake or Old River Lake in Chambers County, as shown by

the government charts, Brown's Cedar Pass, Mitchell's Cut, Pas Cavallo, leading from Matagorda Bay to the Gulf of Mexico, Cedar Bayou leading from Mesquite Bay to the Gulf of Mexico, North Pass or St. Jo Pass, Aransas Pass leading from Aransas Bay to the Gulf of Mexico, Corpus Christi Pass leading from Corpus Christi Bay to the Gulf of Mexico, Brazos Santiago Pass leading from the Lower Laguna Madre to the Gulf of Mexico or the pass on the north of Laguna Madre, leading into Corpus Christi Bay, which pass shall be defined as beginning one-fourth of a mile southwest of Peat Island and running from said point to Flour Bluff, all of said waters being situated in Nueces County, and all other passes connecting the bays and tidal waters of this State with the Gulf of Mexico, or within one mile of such passes, or within the waters of any pass, stream, or canal, leading from one body of Texas bay or coastal waters into another body of such waters; also that part of the Gulf of Mexico one-fourth mile off the shore from one mile north of Corpus Christi Pass to the south end of Padre Island; provided that nothing in this article shall prevent the use of spear or gig and light for the purpose of securing flounders from such passes, at any time of the year except the months of November and December which months shall constitute a closed season on flounders in all coastal waters of the State, and it shall be unlawful to possess or to take any flounder from the tidal waters of this State during the months of November and December of any year.

It shall be unlawful for any person to drag any seine or net in any of the Texas coastal bays, lakes, lagoons or passes not heretofore mentioned, or to set any net with meshes less than three and one quarter inch stretched measure for taking fish; provided that this will not prohibit the use of a minnow seine of not more than twenty feet in length to be used for the purpose of catching bait, or the use of a shrimp trawl for the purpose of taking shrimp in any of the waters not heretofore described; and it shall be unlawful for any person to catch, take or have in his possession any speckle trout or redfish of less

than fourteen inches from tip of nose to tip of tail.

For the purpose of locating all closed waters mentioned in this Article, it shall be the duty of the Game, Fish and Oyster Commissioner to have erected suitable stakes, monuments or markers at points determined by him as being the outermost boundaries of such closed waters, such stakes or markers to bear the words "Warning—Closed Waters." Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on first conviction shall be fined not less than Ten (\$10.00) Dollars, nor more than fifty (\$50) dollars; and on second conviction shall be fined not less than fifty (\$50) dollars, nor more than two hundred (\$200) dollars, and shall have his license revoked for a period of not less than four months, nor more than one year; provided further that the Game, Fish and Oyster Commissioner or his deputy, shall have power to seize and keep such seines or other tackle in his possession as evidence until trial of defendant, and no suit shall be maintained against him therefor.

Sec. 2. The fact that the use of nets and seines in certain coastal salt water bays, passes, lakes, lagoons, bayous and other bodies of such water is destroying small fish, shrimp and their nesting places, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was read.

The motion of Senator Stevenson that this bill and the amendment be made special order Thursday morning was lost.

Announcement of Executive Session.

On motion of Senator Williamson, the Senate voted to go into executive session Wednesday morning immediately after the morning call.

Simple Resolution No. 64.

Senator Hardin sent up the following resolution: :

Whereas, A vacancy has occurred by the resignation of J. M. Adams

as Assistant Sergeant at Arms, therefore, be it

Resolved, That the Senate elect Mr. Sam N. Russell to fill the place made vacant by said resignation.

HARDIN.

The resolution was read.

Senator McFarlane moved to table the resolution. The motion was lost by the following vote:

Yeas—11.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Small.
Hornsby.	Williamson.
Hyer.	Woodward.
McFarlane.	

Nays—17.

Berkeley.	Pollard.
Galner.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Martin.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Patton.	

Absent.

Beck. Love.

Absent—Excused.

Neal.

Recess.

On motion of Senator Love, the Senate, at 12:15 o'clock p.m., recessed until 2:00 o'clock p.m.

After Recess.

The Senate met at 2:00 o'clock p.m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Memorial Service.

At 2:00 o'clock p.m., the Chair announced that the hour had arrived for the observance of the memorial service in honor of the late Senators I. D. Fairchild and H. F. Triplett.

The Senate rose and remained standing while the chaplain, Rev. W. H. Doss, delivered the invocation.

The Chair laid before the Senate the following telegram:

(TELEGRAM)

Carthage, Texas, Feb. 12, 1929.
Lieutenant Governor Barry Miller,
Senate Chamber,
Austin, Texas.

I drop a tear with you this morning over the passing of our colleagues Senators Fairchild and Triplett. I would also have the families of each to know that my heart throbs with pain at the sorrow they have so recently sustained.

MARGIE E. NEAL, State Senator.

The Chair announced that, owing to the inability of former Senator John H. Bailey to attend and deliver the memorial address, Senator Holbrook had kindly consented to deliver the address.

Senator Holbrook then addressed the Senate.

SIMPLE RESOLUTION NO. 65.

The Chair laid before the Senate the following resolution:

By Senators Wirtz, Holbrook, Thomason, Patton.

Whereas, Senator I. D. Fairchild, a former member of the Senate of Texas, departed this life on the 1st day of May A. D. 1928, and

Whereas, Senator Fairchild had served his State with unusual distinction and ability in the Legislature of Texas, in both Houses, having been a leader in those measures designed to up-build the State and preserve the rights and liberties of the people, and had the entire trust, confidence and admiration of all his colleagues: therefore be it

Resolved, That the Senate of Texas deeply regrets the untimely death of Senator Fairchild and extends its unbounded sympathy to his family in their bereavement: be it further

Resolved, That a copy of this resolution be forwarded to his family by the Secretary of the Senate, and that a page of the Senate Journal be set aside in honor of his memory.

The resolution was read.

Senator McFarlane called up from the table the following resolution:

SIMPLE RESOLUTION NO. 6.

Whereas, State Senator Henry F. Triplett, 75, a former member of this Body and also a member of the Forty-first Senate, departed this life at his home early Friday, December 14, 1928, and

Whereas, Senator Triplett was serving his second term in the Senate from the Fourth Senatorial District, and

Whereas, For two decades Senator

Triplett held a prominent position as an educator in the State, having held the position of superintendent of Beaumont schools for 16 years, during which time the system grew to be recognized all over the State, and

Whereas, He resigned as superintendent in 1919, but continued as chairman of the county school board and had written articles on education of literary value, and other works, including a novel on community civics, and his law books have been used as texts in the public school of the State.

Senator Triplett was born in Lowden County, Virginia. He was a member of the board of stewards of the First Methodist Church, a director of the City National Bank and the San Jacinto Life Insurance Company, a thirty-third degree Mason, Knight Templar and member of El Mina Temple Shrine, past president of the State Teachers Association, etc., therefore, be it

Resolved, That the Senate of the State of Texas regrets the loss of its valued member and extends to Senator Triplett's family its sympathy in their bereavement, and that a copy of this resolution be forwarded to his family by the Secretary of Senate. That a page of the Senate Journal be set aside and that the Senate adjourn today in honor of his memory.

McFarlane, Parr, Williamson, Love, Parrish, Woodward, Patton, Greer, Stevenson, Small DeBerry, Neal, Russek, Woodul, Thomason, Hardin, Berkeley, Hyer.

The resolution was read.

The two resolutions were unanimously adopted by a rising vote.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives, Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 92, A bill to be entitled "An Act making it lawful for the commissioners' courts of Clay, Archer, Baylor and Young counties

to pay out of the general fund of such counties bounties for the destruction of predatory animals."

By Mr. Prendergast:

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Court of Civil Appeals, and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925."

By Mr. Harrison and Mr. McGill:

H. B. No. 156, A bill to be entitled "An Act amending Article 1838 of Chapter 3, Title 37, of the Revised Civil Statutes of 1925, as amended, relating to the transfer of cases in Courts of Civil Appeals, so as to make provision for the clerk or his deputy to accompany the justices of the court to the place to which cases have been transferred to discharge the duties of his office in connection with such transferred cases."

By Mr. Quinn:

H. B. No. 195, A bill to be entitled "An Act providing that all sales of real estate for the collection of delinquent taxes due thereon shall be made only after foreclosure of tax lien securing same in accordance with existing laws governing delinquent tax foreclosure suits."

By Mr. Young:

H. B. No. 232, Engrossed Rider, A bill to be entitled

"An Act placing a closed season on wild prairie chickens in certain counties; providing a penalty for the violation of same, and declaring an emergency."

By Mr. Land:

H. B. No. 523, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Childress county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax."

By Mr. Jenkins:

H. B. No. 532, Engrossed Rider, A bill to be entitled

"An Act to provide for the appointment of an assistant district attorney in certain counties."

By Mr. Petsch:

H. B. No. 539, A bill to be entitled "An Act to authorize the commissioners' court in each county having a population not less than ten thousand and fifteen and not more than ten thousand and forty to pay the sheriff of such county for summoning jurors in district or county

courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for, not exceeding \$2500 per annum, to be fixed by the commissioners court at the same time other ex officio salaries are fixed."

By Mr. Graves of Erath:

H. B. No. 557, A bill to be entitled "An Act to amend Chapter 78 of the local and special laws created by the Thirty-sixth Legislature at its regular session in 1919, same being a special road law for Erath County, as same is amended by Chapter 123, special laws of the Fortieth Legislature at its regular session in 1927, by changing the date of Section 2a therein from March 1, 1927, to January 1, 1929."

By Mr. Kincaid:

H. B. No. 565, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Foard County, Texas, who are between the ages of twenty-five years; providing the manner of assessments and collection of said tax, and repealing all laws in conflict therewith; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Simple Resolution No. 64.

The question recurred upon Simple Resolution No. 64.

The resolution was adopted by the following vote:

Yeas—15.

Berkeley.	Moore.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Love.	Witt.
Martin.	

Nays—7.

Cousins.	McFarlane.
DeBerry.	Small.
Hornsby.	Woodward.
Hyer.	

Absent.

Beck.	Pollard.
Miller.	Westbrook.
Parr.	Williamson.

Wirtz.

Woodul.

Absent—Excused.

Neal.

Senate Bill No. 88.

On motion of Senator Stevenson, S. B. No. 88 and the amendment were made special order for Thursday after the morning call.

Senate Bill No. 366.

The Chair laid before the Senate as special order, the following bill:

S. B. No. 366, A bill to be entitled "An Act to provide for the eradication in the State of Texas of the fever-carrying tick, *Margaropus Annulatus*, and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks and jennets for the eradication of said fever-carrying tick, *Margaropus Annulatus*, from said live stock and from the premises, lands territory, counties and parts of counties in the State of Texas, and for the removal of exposure to said fever-carrying tick, *Margaropus Annulatus*, and authorizing and requiring said Commission to establish necessary quarantines for the purpose of controlling and restricting the movement of said live stock and for the purpose of preventing the spread of said infection and exposure to said fever-carrying tick, *Margaropus Annulatus*, and to eradicate the same, and requiring the county commissioners' courts to cooperate with said Commission in said work, etc., and declaring an emergency."

The bill was read second time.

Senator Parr sent up the following amendment:

Amend S. B. No. 366 by adding after the word "made" in line 19, page 25 of the printed bill the following:

It is further provided that owners and caretakers of live stock shall be granted a hearing before the Live Stock Sanitary Commission with reference to being excused from dipping any live stock on any dipping date, provided that ten full days intervene between the date of the filing of the application for said hearing and the dipping date on which the applicant desires to be excused from dipping said live stock. Said application to be sworn to and filed with

the supervising inspector of the county in which said live stock are located, which said application shall be handled and disposed of in the same manner as hereinbefore provided in this section, and the decision of said Commission shall be rendered and notice thereof served as provided in this section. Provided further that supervising inspectors may excuse owners and caretaker from dipping live stock on any dipping date specified in a written dipping direction of the Live Stock Sanitary Commission, when said supervising inspector has personal knowledge or is informed by any inspector working under his supervision that said live stock should be excused from said dipping. The supervising inspector shall not excuse owners and caretakers from dipping said live stock by granting oral permission not to dip, but the same shall be in writing and signed by the supervising inspector. Any oral permission from a supervising inspector shall be void and shall not be admissible as evidence in any court proceeding involving the failure of an owner or caretaker to dip live stock. Supervising inspectors shall grant said written permission excusing owners and caretakers from dipping live stock only in cases where said live stock should be excused from dipping for good reason; and supervising inspectors shall be held responsible and subject to discharge by the Live Stock Sanitary Commission for granting said written permission without good cause, and it shall be the duty of supervising inspectors to report in writing to the Live Stock Sanitary Commission each instance in which they grant said permission, together with all particulars in reference to same.

The amendment was read and adopted.

Senator Holbrook moved to lay the bill on the table subject to call.

Senator Parr moved to table the motion. The motion prevailed.

Senator Parr sent up the following amendments:

Amend S. B. No. 366 by adding the following counties to Sections 5 and 65:

Jefferson, Liberty, Galveston Chambers, and all of Fort Bend and Brazoria counties lying east of the Brazos River.

The amendment was read and adopted.

Amend S. B. No. 366 by adding San Jacinto and Walker Counties to Section 65 in the proper place.

The amendment was read and adopted.

On motion of Senator McFarlane, the bill was laid on the table subject to call.

Simple Resolution No. 66.

Senator Pollard sent up the following resolution:

Whereas, Miss Bess Olson and Miss Gyneth Stugard, students of the University of Texas, are now within the presence of the Senate, now, therefore, be it

Resolved That Miss Bess Olson and Miss Gyneth Stugard be invited to address the Senate, and be given the privileges of the floor of the Senate during the session.

Pollard, Miller, Witt, Wirtz and Woodward.

The resolution was read and adopted.

The Chair appointed Senators Pollard, Miller, and Patton to escort Misses Olson and Stugard to the platform.

Miss Stugard Speaks.

Senator Pollard introduced Miss Stugard who briefly addressed the Senate, extending to them an invitation to the University of Texas.

On motion of Senator Pollard, the invitation was accepted.

Miss Olson Speaks.

Senator Pollard introduced Miss Olson who briefly addressed the Senate.

House Bills Referred.

H. B. No. 565, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 557, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 539, read and referred to Committee on State Affairs.

H. B. No. 232, read and referred to Committee on State Affairs.

H. B. No. 523, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 532, read and referred to Committee on State Affairs.

H. B. No. 195, read and referred to Committee on Civil Jurisprudence.

H. B. No. 156, read and referred to Committee on Civil Jurisprudence.

H. B. No. 75, read and referred to Committee on Civil Jurisprudence.

H. B. No. 92, read and referred to Committee on State Affairs.

Senate Bill No. 386.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 386, A bill to be entitled "An Act exempting the proceeds of any policy of life insurance, including the cash value thereof from execution or liability to any creditor of the insured."

The bill was read third time and finally passed.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read the following bills:

S. B. No. 291.

S. B. No. 310.

House Bill No 162.

Senator Parrish received unanimous consent to take up out of its regular order the following bill:

H. B. No. 162 A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3 of Title 4 of the Revised Civil Statutes of 1925."

The bill as amended passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 162 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.
Hornsby.
Hyer.
Love.
Martin.
McFarlane.
Miller.
Moore.
Parr.
Parrish.
Patton.

Pollard.
Russek.
Small.
Stevenson.
Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodul.
Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote.

Yeas—30.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hornsby.
Hyer.
Love.
Martin.
McFarlane.
Miller.

Moore.
Parr.
Parrish.
Patton.
Pollard.
Russek.
Small.
Stevenson.
Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodul.
Woodward.

Absent—Excused.

Neal.

Senate Bill No. 190.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 190, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing streets and roads, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 190 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Martin.	Woodul.
Miller.	

Absent—Excused.

Neal.

Woodward.

Senate Bill No. 321.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 321, A bill to be entitled "An Act to amend Article 5338 of the Revised Civil Statutes of 1925 so as to withdraw from lease or sale or mineral permit all oil and gas upon and under any river beds and channels belonging to the public school, University, asylum land, or other public lands within the State of Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

S. J. R. No. 21.

Senator Thomason sent up the following resolution:

S. J. R. No. 21 Proposing an amendment to Section 23 of Article 4 of the Constitution of the State of Texas, fixing the compensation of the State Comptroller of Public Accounts, the State Treasurer and the Commissioner of the General Land Office, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

The resolution was read first time and referred to Committee on Constitutional Amendments.

Visit from Boy Scouts.

On motion of Senator Hornsby, the local Boy Scouts were admitted to the Senate Chamber, where they went through a series of exercises.

S. J. R. No. 6.

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 6, Proposing an Amendment to Section 24 of Article 3 of the Constitution of the State of Texas, increasing the maximum compensation that may be paid to members of the Legislature to Ten Dollars per day for the first ninety days of each session and after that not exceeding Five Dollars for the remainder of the session; providing for an election upon such proposed Constitutional Amendment and making an appropriation therefor.

The resolution was read second time.

On motion of Senator McFarlane, the resolution was laid on the table subject to call.

Senate Bill No. 48.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 48, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the State penitentiary for not less than one nor more than five years, and declaring an emergency."

The committee substitute was adopted.

On motion of Senator Thomason, the bill was laid on the table subject to call.

Senate Bill No. 220.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 220, A bill to be entitled "An Act providing for the regulation of Local Mutual Aid Associations paying a death benefit operating an insurance business and paying benefits, where funds are provided by assessments on members. Defining the law and manner under which such associations may operate; etc., and declaring an emergency."

The committee amendments were adopted.

The bill was read second time.

Senator Witt sent up the following amendments:

Amendment No. 4.

Amend S. B. No. 220 by adding the following section, and re-numbering the remaining section, Section 32. If any section, sub-section, substance, clause, or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law.

The amendment was read and adopted.

Amendment No. 5.

Amend S. B. No. 220 by striking out the word "less" in the last line of "Sec. 27—Penalty" and inserting instead the word "more."

The amendment was read and adopted.

Amend S. B. No. 220 by adding to Section 3 the following: "Provided, however, when it is made to appear to the Commissioner that any such association has in excess of ten thousand persons each of whom is a member of one or more classes or groups, and each of whom has paid the membership fee and at least one death assessment, such association, upon application shall be granted a Certificate of Authority to write business in all counties which have one or more of its boundary lines within 50 miles of

the corporate limits of the city or town in which its principal office is located."

WITT.

The amendment was read and adopted.

On motion of Senator Witt, the bill was laid on the table subject to call.

H. B. No. 165.

Senator Cunningham received unanimous consent to take up out of its regular order the following bill:

By Mr. Johnson:

H. B. No. 165 A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 9,000 or more than 9,010 according to the Federal census of 1920; providing for office expenses."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 165 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.

Absent—Excused.

Neal.

Senate Bill No. 314.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 314, A bill to be entitled "An Act to provide for the location, establishment and maintenance of an institution for the treatment of persons suffering from cancer or pellagra and to provide for the care and treatment of indigent persons suffering from cancer or pellagra; and defining the conditions of admission thereto; and provide for the scientific study of cancer and pellagra; and creating a commission to establish and control said institution, and defining the duties of certain officers in respect to said institution; and make appropriation therefor, and declaring an emergency."

The bill was read second time.

Senator Beck sent up the following amendments:

Amend S. B. No. 314 by striking out of the caption the words "and making appropriation therefor."

BECK.

The amendment was read and adopted.

Amend S. B. No. 314 by striking out Sections 5 and 6.

BECK.

The amendment was read and adopted.

Amend S. B. No. 314 by striking out the words, board of control, on page 2, section 4, line 10 and substituting therefor the word commission; by striking out the word board on page 7, section 15, line 27 and inserting therefor the word commission; by striking out the word Governor, on page 7, section 15, line 31

and inserting therefor the word commission.

BECK.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 314 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
Miller.	

Nays—2.

McFarlane.	Parrish.
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Absent.

Pollard.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

Senate Bill No. 412.

Senator Williamson received unanimous consent to take up out of its regular order the following bill:

S. B. No. 412, A bill to be entitled "An Act creating the Sayers Independent School District; describing the boundaries thereof; providing a board of trustees for its government; specifically granting supervising exemptions to it; investing it with power to make oil leases; applying General Laws to it; retaining its assets and liabilities and tax rate; and carrying the emergency clause."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 412 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Senate Bill No. 425.

Senator Westbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 425, A bill to be entitled "An Act requiring trustees of public school districts to provide a suitable United States flag for each school building of the district; requiring the State, city and county superintendent to issue and have observed

the necessary instructions for the proper display and protection of the flag, and prescribing a penalty for violation of the provisions of this Act."

The bill was read second time and passed to engrossment.

Adjournment.

On motion of Senator McFarlane, the Senate, at 5:30 o'clock p. m., adjourned until 10:00 o'clock Wednesday morning.

APPENDIX.

Petitions and Memorials.

Quitman, Texas, Feb. 4, 1929.

To the

President of the Senate,
Speaker of the House,
Senator Pollard and
Representative Baker.

The Wood County Board of School Trustees in regular session convened this the fourth day of February wishes to write this letter of thanks and approval for the important school measures introduced in the Forty-first Legislature.

First, We wish to thank Senator Pollard for the introduction and the committee for the favorable report of S. B. No. 3 which if passed will do more to equalize educational opportunities of the boys and girls who go to Texas public free schools regardless of the amount of wealth that may or may not be concentrated within the district, than any other bill ever introduced in a Texas Legislature. These boys and girls are citizens of the State and it may be that the underprivileged from an educational standpoint will be called to fill high positions in this State, therefore there should be no underprivileged. We urge the passage of this bill.

Second, We wish to approve and urge the passage of the supplementary appropriation bills to care for the payment of high school tuition and the necessary amount to provide adequate State Aid. Without these two provisions our schools will suffer.

Third, We favor the bill giving the county board the power to appoint the county superintendent believing this will best serve the schools over

which the county superintendent has jurisdiction. However, we hope that duty, if the bill becomes a law, will fall upon some other board than ourselves.

Yours for better schools,

W. D. Hinson, President; W. R. Phillips, Member, J. W. Reich, Member; Jesse Shirey, Member; one member absent.

(TELEGRAM.)

Oklahoma City, Okla., Feb. 12, 1928.
Hon. Bob Barker,
Secretary of the Senate.

Your letter of February 8 received. Please accept our thanks for your thoughtful attention to the boundary question. We are delighted to know that the Texas Senate has concurred in our plan to visit the territory involved. We have adopted a similar resolution here and our committee is appointed. We await with interest and pleasure your notice that you will visit this State. Our arrangements have been completed but we desire to request that you advise us two or three days in advance of the probable arrival of your committee in this State. We understand that the committee will come to Quanah, Texas, and will be met by a committee from this State. We assure you that your cooperation is gratefully appreciated and that we may at some time be given the opportunity to reciprocate with best wishes to you and to the Honorable Senate, we are with great respects.

Jim Nance, Speaker of the House;
Sam Carmack, Chairman of the Committee.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 493 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 493, A bill to be entitled "An Act amending 'an act creating the One Hundred and Tenth Judicial District of Texas to be composed of the counties of Briscoe, Floyd, Motley and Dickens which act was passed at this session of the Legislature, same being S. B. No. 85, so as to better provide for subpoenas, writs, process, bonds and recognizances issued prior to the taking effect of this act and validating and continuing the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 422, A bill to be entitled "An Act to provide that at least one half of all taxes levied for the State, county, common school districts, road districts, or political subdivisions of the county upon an ad valorem basis for the year 1929 and every year thereafter shall become due on the 31 day of December of the year for which the same are levied and providing that unless at least one-half of the taxes so levied shall be paid on or before said date the entire tax levied for the year shall become delinquent after said date; providing that if the first half of said taxes shall have been paid on or before the 31 day of December, the second half shall become delinquent after May 31 following; providing that all delinquent taxes shall bear a penalty of ten per cent, and in addition thereto interest at the rate of six per cent per annum; providing for only five per cent penalty if the entire tax is paid after December 31, and on or before January 31 following; providing that all of the taxes may be paid at one time and that not more than two payments of one-half of each may be paid except the entire tax on property with a separate valuation may be paid without payment of taxes on other property; providing for the issuance of receipt; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 472, A bill to be entitled: "An Act providing for the levying of an ad valorem tax by cities of more than five thousand inhabitants for the purpose of advertising the business, social, educational and recreational advantages, the natural resources and the scenic attractions of such cities, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 248, A bill to be entitled "An Act to amend Article 879h, Chapter 215 of the General and Special Laws of the State of Texas, passed by the 40th Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 465, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches or any part thereof, within the time required by law, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 427, A bill to be entitled "An Act establishing an art commission for the State of Texas, providing for appointment of the members thereof, prescribing their qualifications and defining the powers and duties of such Commission."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 408, A bill to be entitled "An Act to amend Section 10, Article 4331, Chapter 1, Title 70 of the 1925 Revised Civil Statutes of the State of Texas, providing that the Secretary of State shall distribute judicial reports to the Supreme Court Library, and to the State institutions of higher learning giving law and pre-law courses: and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 470, A bill to be entitled "An Act providing for payment of salaries of County Commissioners in Nacogdoches County out of the Road and Bridge Fund; providing for payment of \$3.00 for road purposes by those liable to road duty in lieu of such road duty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 468, A bill to be entitled "An Act fixing, in counties having a population of more than 100,000 and less than 150,000 and containing a city of more than 75,000 population, the compensation of and providing for the appointment of Assistant County Attorneys, and prescribing their qualifications, and providing for the appointment of a stenographer and providing for their salaries and the manner of the payment of the same, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 331, A bill to be entitled "An Act—to amend Article 904 of the Penal Code of the State of Texas, relating to fees of non-residents for hunting in Texas by providing that non residents of adjoining states who reside in counties bordering upon the State of Texas may hunt in Texas upon the same terms and upon the payment of the same license fees as residents of the State of Texas, in counties other than their own, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 311, A bill to be entitled "An Act repealing Article 931 and amending Article 933 of the 1925 Penal Code of the State of Texas; providing a closed season on all kinds of fresh water fish during March and April; providing a size limit for bass, white perch or crap-

pie, channel catfish, blue catfish, yellow catfish and opelousas catfish; providing for the saving or salvaging of fish from stagnant or polluted waters; providing for the extermination of undesirable fish, providing penalties and declaring a rule of construction, and an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 235, A bill to be entitled "An Act to provide that at least one-half of all taxes levied for the State, county, common school districts, road districts or political subdivisions of the county upon an ad valorem basis for the year of 1929 and every year thereafter shall become due on the 31st day of December of the year for which the same are levied and providing that unless at least one-half of the taxes so levied shall be paid on or before said date the entire tax levied for the year shall become delinquent after said date; providing that if the first half of said taxes shall have been paid on or before the 31st day of December, the second half shall become delinquent after May 31st, following; providing that all delinquent taxes shall bear a penalty of ten per cent, and in addition thereto interest at the rate of six per cent per annum; providing, for only five per cent penalty if the entire tax is paid after December 31st, and on or before January 31st following; providing that all of the taxes may be paid at one time and that not more than two payments of one-half each may be paid except the entire tax on property with a separate valuation may be paid without payment of taxes on other property; providing for the issuance of receipt; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 188, A bill to be entitled "An Act relating to county debts and warrants and bonds issued by or for counties; better regulating and restricting the same so as to prevent counties from anticipating future revenues and creating excessive debts; enacting provisions as to time warrants and bonds to fund and refund county indebtedness; making certain exceptions and exemptions; enacting other provisions incidental to the main purpose of the Act; and creating an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 377, A bill to be entitled "An Act to prevent the purchase of automobiles by the State for the use of officers and employees; making provisions for certain officers and employees furnishing their own cars and providing for payment of the expense of maintenance and operation of same when used in state business; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 365, a bill to be entitled "An Act to amend Article 2700, R. S. 1925, fixing the salaries of county school superintendents; providing for the payment of said salaries; providing for the employment of assistants to the county superinten-

dents; providing for office and traveling expenses for the county superintendents; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1929.
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 503, A bill to be entitled "An Act making an appropriation of \$28,911.47 or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1929, and to be deposited in the State Treasury; said appropriations being for the traveling, clerical, and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1931; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred:

S. B. No. 203, A bill to be entitled "An Act to provide for audits of the books and finances of certain incorporated cities and towns, or towns and villages, to be done by an auditor or auditors to be appointed by the District Judge, providing for the expense of same and all regulations necessary in connection with such audits and the purpose of this Act; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate favorably with

recommendation that it do pass and be not printed in bill form but printed in the journal.

BERKELEY, Chairman.

By Martin.

S. B. No. 203.

A BILL

To Be Entitled

An Act to provide for audits of the books and finances of certain incorporated cities and towns, or towns and villages, to be done by an auditor or auditors to be appointed by the District Judge; providing for the expense of same and all regulations necessary in connection with such audits and the purpose of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In any county in this State having an incorporated city or town, or incorporated town or village, having a population of less than 3000, according to the next preceding United States census, the District Judge having jurisdiction as such in the county may appoint an auditor or auditors to audit the books and finances of such city or town, or town and village, and it shall be mandatory upon such Judge to make such appointment upon the application of three property tax payers of any such city or town. Each such application shall be made to the District Judge in writing and must be accompanied by a bond with good and sufficient sureties, to be approved by the District Judge, conditioned that such applicants shall pay all costs of court that may accrue and all expenses of the audit in the event such audit does not disclose any irregularity or violation of the laws of this State in connection with the finances of the municipal corporation so audited. The publishers of any newspaper published in the county may have access to any report of such auditors.

Sec. 2. Said auditor or auditors may make a thorough investigation or audit of the books and finances of such municipal corporation and shall file the same with the clerk of the District Court of the county in writing. The expense of said audit shall be paid out of the city funds of said municipal corporation out of funds which may be used for general city purposes.

Sec. 3. The fact that the present laws of this State are wholly inadequate to provide for the audit of the class of cities, towns and villages affected by this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 504, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas as amended at the First Called Session of the Fortieth Legislature, Chapter 67 of the Acts of the First Called Session of the said Fortieth Legislature, so as to provide that political parties shall have power to prescribe qualifications of its own members and determine who shall be qualified to vote or otherwise participate in such political party, either as a voter or a candidate; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

HOLBROOK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Privileges and Elections, to whom was referred

S. B. No. 504, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas, as amended at the First Called Session of the Fortieth Legislature, Chapter 67 of the Acts of the First Called Session of the said Fortieth Legislature, so as to provide that

political parties shall have power to prescribe qualifications of its own members and determine who shall be qualified to vote or otherwise participate in such political party, either as a voter or a candidate, and declaring an emergency."

Have had the same under consideration, and beg to differ with a majority of your Committee and report it back to the Senate with the recommendation that it do not pass.

LOVE,
COUSINS.

By Wirtz, Martin, S. B. No. 504.
Small, Gainer, Cunningham, Patton,
Holbrook, Russek,
Williamson, Hornsby,
Thomason, Miller,
Parr, Berkeley, Stevenson, and Beck.

A BILL

To Be Entitled

An Act amending Article 3107 of the Revised Civil Statutes of Texas, as amended at the First Called Session of the Fortieth Legislature, Chapter 67 of the Acts of the First Called Session of the said Fortieth Legislature, so as to provide that political parties shall have power to prescribe qualifications of its own members and determine who shall be qualified to vote or otherwise participate in such political party, either as a voter or a candidate; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3107 of Chapter 13 of the Revised Civil Statutes of Texas as amended by the Fortieth Legislature at its First Called Session by Chapter 67 of the Acts of said First Called Session be, and the same is hereby amended so as to hereafter read as follows:

"Article 3107. Every political party in this State, through its State Executive Committee, shall have the power to prescribe the qualifications of its own members, and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party and the qualifications of those entitled to have their names placed on the official ballot at any primary election of such party."

Sec. 2. The fact that the right of political parties to control their party affairs and effectively prescribe the qualifications of their members has been called in question, and it is necessary to preservation of party integrity and party government that political parties be given such right creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

In Memory
of
Honorable I. D. Fairchild

(Senator Wirtz Offered the Following Resolution:)

WHEREAS, Senator I. D. Fairchild, a former member of the Senate of Texas, departed this life on the 1st day of May, A. D., 1928, and

WHEREAS, Senator Fairchild had served his State with unusual distinction and ability in the Legislature of Texas, in both Houses, having been a leader in those measures designed to up-build the State and preserve the rights and liberties of the people, and had the entire trust, confidence and admiration of all his colleagues;

THEREFORE BE IT RESOLVED, That the Senate of Texas deeply regrets the untimely death of Senator Fairchild and extends its unbounded sympathy to his family in their bereavement;

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to his family by the Secretary of the Senate, and that a page of the Senate Journal be set aside in honor of his memory.

WIRTZ,
HOLBROOK,
THOMASON,
PATTON.

The resolution was read and was adopted by a unanimous rising vote.

**In Memory
of
Honorable H. F. Triplett**

(Senator McFarlane Offered the Following Resolution:)

WHEREAS, State Senator Henry F. Triplett, 75, a former member of this Body and also a member of the Forty-first Senate, departed this life at his home early Friday, December 14, 1928, and

WHEREAS, Senator Triplett was serving his second term in the Senate from the Fourth Senatorial District, and

WHEREAS, For two decades Senator Triplett held a prominent position as an educator in the State, having held the position of superintendent of Beaumont schools for 16 years, during which time the system grew to be recognized all over the State, and

WHEREAS, He resigned as superintendent in 1919, but continued as chairman of the county school board and had written articles on education of literary value, and other works, including a novel on community civics, and his law books have been used as texts in the public school of the State.

Senator Triplett was born in Lowden County, Virginia. He was a member of the board of stewards of the First Methodist Church, a director of the City National Bank and the San Jacinto Life Insurance Company, a thirty-third degree Mason, Knight Templar and member of El Mina Temple Shrine, past president of the State Teachers Association, etc.; therefore, be it

RESOLVED, That the Senate of the State of Texas regrets the loss of its valued member and extends to Senator Triplett's family its sympathy in their bereavement, and that a copy of this resolution be forwarded to his family by the Secretary of the Senate. That a page of the Senate Journal be set aside and that the Senate adjourn today in honor of his memory.

McFARLANE,
PARR,
WILLIAMSON,
LOVE,
PARRISH,
WOODWARD,
PATTON,
GREER,
STEVENSON,
SMALL,
DeBERRY,
NEAL,
RUSSEK,
WOODUL,
THOMASON,
HARDIN,
BERKELEY,
HYER.

The resolution was read and was adopted by a unanimous rising vote.